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REPORT TO THE ECONOMIC AND SOCIAL COUNCIL ON THE FIFTY-THIRD SESSION OF THE COMMISSION

DRAFT REPORT OF THE COMMISSION

Rapporteur: Ms. Margarita ESCOBAR LOPEZ

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* Documents E/CN.4/1997/L.10 and addenda will contain the chapters of the report relating to the organization of the session and the various items on the agenda. Resolutions and decisions adopted by the Commission, as well as draft resolutions and decisions for action by, and other matters of concern to, the Economic and Social Council, will be contained in documents E/CN.4/1997/L.11 and addenda.

X. QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES, INCLUDING:

(a) QUESTION OF HUMAN RIGHTS IN CYPRUS;

(b) STUDY OF SITUATIONS WHICH APPEAR TO REVEAL A CONSISTENT PATTERN OF GROSS VIOLATIONS OF HUMAN RIGHTS AS PROVIDED FOR IN COMMISSION RESOLUTION 8 (XXIII) AND ECONOMIC AND SOCIAL COUNCIL RESOLUTIONS 1235 (XLII) AND 1503 (XLVIII): REPORT OF THE WORKING GROUP ON SITUATIONS ESTABLISHED BY ECONOMIC AND SOCIAL COUNCIL RESOLUTION 1990/41 OF 25 MAY 1990

1. The Commission considered agenda item 10 and sub-item (a) at its 46th to 55th meetings, from 8 to 10 April, and at its 64th to 67th meetings, from 15 to 16 April 1997. 1/ Item 10 (b) was considered by the Commission in closed session (see paras. ... below).

2. For the documents issued under agenda item 10, see annex .. to the present report. For a list of resolutions and decisions adopted by the Commission, see annex .. to the present report.

3. At the 46th meeting, on 8 April 1997, the following special rapporteurs introduced their reports:

(a) Special Rapporteur on the situation of human rights in Rwanda, Mr. René Degni-Ségui (E/CN.4/1997/61 and Add.1);

(b) Special Rapporteur on the situation of human rights in Zaire, Mr. Roberto Garretón (E/CN.4/1997/6 and Add.1);

(c) Special Rapporteur on the situation of Burundi, Mr. Paulo Pinheiro (E/CN.4/1997/12 and Add.1).

4. At the 47th meeting, on 8 April 1997, the following special rapporteurs introduced their reports:

(a) Special Rapporteur on the situation of human rights in Equatorial Guinea, Mr. Alejandro Artucio (E/CN.4/1997/54);

(b) Special Rapporteur on the situation of human rights in Afghanistan, Mr. Choong-Hyun Paik (E/CN.4/1997/59).

5. At the same meeting, the Special Rapporteur on extrajudicial, summary or arbitrary executions, Mr. Bacre Waly N'Ndiaye, and the Special Rapporteur on the independence of judges and lawyers, Mr. Param Cumaraswamy, introduced a joint report on the situation of human rights in Nigeria (E/CN.4/1997/62).

6. At the 48th meeting, on 8 April 1997, the following special rapporteurs introduced their reports:

(a) Special Rapporteur on the situation of human rights in Cuba, Mr. Carl-Johan Groth (E/CN.4/1997/53);

(b) Special Rapporteur on the situation of human rights in the territory of the former Yugoslavia, Ms. Elisabeth Rehn (E/CN.4/1997/5, E/CN.4/1997/8, E/CN.4/1997/9, E/CN.4/1997/56).

7. At the 49th meeting, on 9 April 1997, the Special Rapporteur on the situation of human rights in the Sudan, Mr. Gáspár Bíró, introduced his report (E/CN.4/1997/58). At the same meeting, the following special rapporteurs also introduced their reports:

(a) Special Rapporteur on the situation of human rights in Myanmar, Mr. Rajsoomer Lallah (E/CN.4/1997/64);

(b) Special Rapporteur on extrajudicial, summary or arbitrary executions, Mr. Bacre Waly N'Ndiaye (E/CN.4/1997/60 and Add.1);

(c) Special Representative of the Commission on the situation of human rights in the Islamic Republic of Iran, Mr. Maurice Copithorne (E/CN.4/1997/63).

8. At the 56th meeting, on 11 April 1997, the Special Rapporteur on the situation of human rights in Iraq, Mr. Max van der Stoel, introduced his report (E/CN.4/1997/57).

9. In the general debate on agenda item 10, statements 2/ were made by the following members of the Commission: Algeria (52nd), Argentina (52nd), Belarus (48th), Bulgaria (52nd), Brazil (53rd), Canada (53rd), Chile (51st), China (48th, 53rd), Colombia (54th), Cuba (48th, 53rd), Egypt (48th), India (53rd), Indonesia (on behalf of the Organization of the Islamic Conference) (53rd) (54th), Japan (51st), Malaysia (53rd), Netherlands (on behalf of the European Union) (48th), Nicaragua (53rd), Pakistan (53rd), Russian Federation (53rd), South Africa (53rd), Sri Lanka (51st), United States of America (52nd), Zaire (47th).

10. The Commission heard statements by the observers for: Afghanistan (47th), Armenia (54th), Australia (54th), Azerbaijan (54th), Bosnia and Herzegovina (48th), Burundi (47th), Croatia (48th), Cyprus (51st), Equatorial Guinea (47th, 51st), Greece (52nd), Iran (Islamic Republic of) (54th), Iraq (51st, 56th), Kuwait (54th), Lebanon (48th), Myanmar (49th, 54th), New Zealand (54th), Nigeria (47th), Norway (51st), Portugal (52nd),

Rwanda (47th), the former Yugoslav Republic of Macedonia (48th), Solomon Islands (51st), Sudan (49th, 54th), Syrian Arab Republic (49th), Venezuela (54th). A statement was also made by the observer for Switzerland (54th).

11. The Commission also heard statements by the following non-governmental organizations: African Association of Education for Development (54th), African Commission of Health and Human Rights Promoters (52nd), Afro-Asian Peoples' Solidarity Organization (52nd), Aliran Kesedaran Negara-National Consciousness Movement (54th), All China Women's Federation (54th), American Association of Jurists (52nd), Amnesty International (49th), Andean Commission of Jurists (51st), Anglican Consultative Council (51st), Arab Lawyers Union (50th), Arab Organization for Human Rights (52nd), Article XIX: the International Centre against Censorship (50th), Asian Cultural Forum on Development (50th), Association for World Education (54th), Baha'i International Community (50th), Catholic Institute for International Relations (51st), Centre Europe-Tiers Monde (50th), Centro de Estudios Europeos (51st), Christian Democrat International (50th), Christian Solidarity International (50th), Commission for the Defense of Human Rights in Central America (55th), Commission of the Churches on International Affairs of the World Council of Churches (52nd), Federación de Associaciones de Defensa y Promoción de los Derechos Humanos (52nd), France-Libertés: Fondation Danielle Mitterrand (49th), Franciscans International (51st), Freedom House (51st), General Arab Women Federation (51st), Indian Council of Education (51st), International Association against Torture (50th), International Association for Religious Freedom (50th), International Association for the Defense of Religious Liberty (50th), International Association of Democratic Lawyers (55th), International Association of Educators for World Peace (52nd), International Commission of Jurists (50th), International Centre for Human Rights and Democratic Development (50th), International Confederation of Free Trade Unions (50th), International Educational Development, Inc. (50th), International Falcon Movement (54th), International Federation for the Protection of the Rights of Ethnic, Religious, Linguistic and Other Minorities (49th), International Federation of ACAT (52nd), International Federation of Free Journalists (49th), International Federation of Human Rights Leagues (51st), International Federation of Journalists (52nd), International Federation of Rural Adult Catholic Movements (52nd),

International Federation Terre des Hommes (50th), International Human Rights Association of American Minorities (51st), International Human Rights Law Group (52nd), International Indian Treaty Council (51st), International Institute for Non-Aligned Studies (54th), International Institute for Peace (54th), International Islamic Federation of Student Organizations (54th), International League for the Rights and Liberation of Peoples (51st), International Peace Bureau (52nd), International PEN (51st), International Progress Organization (54th), Inter-Parliamentary Union (49th), Latin American Federation of Associations of Relatives of Disappeared Detainees (50th), Movimiento Cubano por la Paz y la Soberania de los Pueblos (51st), National Council of German Women's Organization - Federal Union of Women's Organizations (52nd), North South XXI (50th), Pax Christi International (on behalf of the Movement Against Racism and for Friendship Among Peoples) (49th), Pax Romana (50th), Permanent Assembly for Human Rights (51st), Regional Council on Human Rights in Asia (52nd), Reporters without Borders-International (50th), Robert F. Kennedy Memorial (50th), Society for Threatened Peoples (50th), Survival for Tribal Peoples (52nd), Transnational Radical Party (50th), United Towns Agency for North-South Cooperation (54th), War Resisters International (52nd), Women's International Democratic Federation (50th), Women's International League for Peace and Freedom (52nd), World Alliance of Reformed Churches (52nd), World Christian Life Community (51st), World Federation of Democratic Youth (51st), World Muslim Congress (52nd), World Organization against Torture (54th), World Peace Council (50th), World Society of Victimology (51st), Worldview International Foundation (54th).

12. Statements in exercise of the right of reply or its equivalent were made by the representatives of Algeria (48th, 55th), Brazil (55th), China (50th, 55th), Cuba (55th), Egypt (55th), Ethiopia (55th), India (55th), Mexico (51st), Nepal (55th), Nicaragua (55th) and Pakistan (55th), and the observers for Armenia (55th), Azerbaijan (55th), Bahrain (55th), Cyprus (55th), the Democratic People's Republic of Korea (48th), Estonia (55th), Equatorial Guinea (55th), Greece (55th), Iran (Islamic Republic of) (55th), Iraq (51st, 55th), Kenya (55th), Kuwait (55th), Latvia (55th), Nigeria (55th), Papua New Guinea (55th), Peru (55th), Sudan (50th) and Turkey (55th).

Situation of human rights in Nigeria

13. At the 64th meeting, on 15 April 1997, the representative of the Netherlands introduced draft resolution E/CN.4/1997/L.40 sponsored by Australia, Austria, Belgium, Bulgaria, Canada, the Czech Republic, Denmark, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Italy, Luxembourg, the Netherlands, Norway, Portugal, Romania, San Marino, Slovakia, Slovenia, Spain, Sweden, Switzerland and the United Kingdom of Great Britain and Northern Ireland. Argentina, Belgium, Estonia, Japan, Liechtenstein, and the United States of America subsequently joined the sponsors.

14. The representative of Egypt introduced an amendment (E/CN.4/1997/L.109) to draft resolution E/CN.4/1997/L.40. The amendment was sponsored by Algeria, Angola, Benin, Burundi, Cameroon, Cape Verde, Congo, Côte d'Ivoire, Egypt, Equatorial Guinea, Gabon, Ghana, Guinea, the Libyan Arab Jamahiriya, Madagascar, Morocco, Mozambique, Nigeria, Rwanda, Senegal, the Sudan, Togo, the United Republic of Tanzania and Zaire. Congo, Ethiopia, Mali and Tunisia subsequently joined the sponsors.

15. In accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council, the attention of the Commission was drawn to the estimated administrative and programme budget implications 3/ of the draft resolution and the proposed amendment.

16. Statements in connection with the draft resolution and the proposed amendment were made by the representative of the Netherlands and the observer for Nigeria.

17. Statements in explanation of vote before the vote were made by the representatives of Algeria, Egypt, Malaysia, Mexico, South Africa and the United States of America.

18. At the request of the representative of the Netherlands a roll-call vote was taken on the proposed amendment (E/CN.4/1997/L.109), which was rejected by 24 votes to 20, with 9 abstentions. The voting was as follows:

In favour: Algeria, Angola, Benin, Cape Verde, China, Cuba, Egypt, Ethiopia, Gabon, Guinea, India, Indonesia, Madagascar, Mali, Mozambique, Pakistan, Sri Lanka, Uganda, Zaire, Zimbabwe.

Against: Argentina, Austria, Belarus, Brazil, Bulgaria, Canada, Chile, Czech Republic, Denmark, Dominican Republic, Ecuador, El Salvador, France, Germany, Ireland, Italy, Japan, Netherlands, Nicaragua, South Africa, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay.

Abstaining: Bangladesh, Bhutan, Colombia, Malaysia, Mexico, Nepal, Philippines, Republic of Korea, Russian Federation.

19. At the request of the representative of Egypt, a roll-call vote was taken on the draft resolution, which was adopted by 28 votes to 6, with 19 abstentions. The voting was as follows:

In favour: Argentina, Austria, Belarus, Brazil, Bulgaria, Canada, Chile, Colombia, Czech Republic, Denmark, Dominican Republic, Ecuador, El Salvador, France, Germany, Ireland, Italy, Japan, Netherlands, Nicaragua, Republic of Korea, Russian Federation, South Africa, Uganda, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay.

Against: Benin, China, Cuba, Gabon, Indonesia, Zaire.

Abstaining: Algeria, Angola, Bangladesh, Bhutan, Cape Verde, Egypt, Ethiopia, Guinea, India, Madagascar, Malaysia, Mali, Mexico, Mozambique, Nepal, Pakistan, Philippines, Sri Lanka, Zimbabwe.

20. For the text of the resolution as adopted, see chapter II, section A, resolution 1997/53.

Situation of human rights in the Islamic Republic of Iran

21. At the 64th meeting, on 15 April 1997, the representative of the Netherlands introduced draft resolution E/CN.4/1997/L.46 sponsored by Australia, Austria, Belgium, Denmark, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Italy, Luxembourg, Netherlands, Norway, Portugal, San Marino, Spain, Sweden, Switzerland and the United Kingdom of Great Britain and Northern Ireland. Canada, Estonia, Japan, Liechtenstein, Romania and Slovakia subsequently joined the sponsors.

22. The draft resolution was orally revised by the representative of the Netherlands by replacing the word "Mehrdad", in operative paragraph 2 (d), with the word "Khordad".

23. A statement in connection with the draft resolution was made by the observer for the Islamic Republic of Iran.

24. In accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council, the attention of the Commission was drawn to the estimated administrative and programme budget implications 3/ of the draft resolution.

25. Statements in explanation of vote before the vote were made by the representatives of Bangladesh, Colombia, Pakistan, the Philippines and Indonesia (on behalf of the Organization of the Islamic Conference).

26. At the request of the representatives of Colombia, Pakistan and Indonesia, a roll-call vote was taken on the draft resolution, which was adopted by 26 votes to 7, with 19 abstentions. The voting was as follows:

In favour: Algeria, Argentina, Austria, Brazil, Bulgaria, Canada, Chile, Czech Republic, Denmark, Dominican Republic, Ecuador, El Salvador, Ethiopia, France, Germany, Ireland, Italy, Japan, Mexico, Netherlands, Nicaragua, Russian Federation, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Zaire.

Against: Bangladesh, China, Cuba, India, Indonesia, Malaysia, Pakistan.

Abstaining: Angola, Belarus, Benin, Bhutan, Cape Verde, Colombia, Egypt, Gabon, Guinea, Madagascar, Mali, Mozambique, Nepal, Philippines, Republic of Korea, South Africa, Sri Lanka, Uganda, Zimbabwe.

27. For the text of the resolution as adopted, see chapter II, section A, resolution 1997/54.

Situation of human rights in Rwanda

28. At the 67th meeting, on 16 April 1997, the representative of Egypt introduced draft resolution E/CN.4/1997/81 sponsored by Belgium, Egypt (on behalf of the African Group), Germany, Ireland, Italy, the Netherlands and Spain. Argentina, Australia, Austria, Bulgaria, Canada, Denmark, Finland, France, Greece, Israel, Liechtenstein, Luxembourg, Norway, Poland, Portugal, Romania, Slovakia, Slovenia, Sweden, Switzerland, the United Kingdom of Great Britain and Northern Ireland and the United States of America subsequently joined the sponsors.

29. Statements in connection with the draft resolution were made by the representatives of Canada, the Netherlands and Zaire and the observer for Rwanda.

30. The draft resolution was adopted without a vote. For the text of the resolution as adopted, see chapter II, section A, resolution 1997/66.

[Situation of human rights in Burundi

.. At the .. meeting, on .. April 1997, the representative of Egypt introduced draft resolution E/CN.4/1997/L.82 sponsored by Egypt (on behalf of the African Group).]

Human Rights situation in southern Lebanon and West Bekaa

31. At the 64th meeting, on 15 April 1997, the representative of Egypt introduced draft resolution E/CN.4/1997/L.83 sponsored by Algeria, Bahrain, Bangladesh, Cuba, Egypt, Indonesia, Jordan, Kuwait, Lebanon, Malaysia, Morocco, Oman, Qatar, the Sudan, the Syrian Arab Republic, Tunisia, the United Arab Emirates and Yemen. Pakistan subsequently joined the sponsors.

32. The representative of Egypt orally revised the draft resolution as follows:

(a) In the second preambular paragraph, "resolution" was replaced by "resolutions" and the words "and 509 (1982) of 6 June 1982" were added at the end of the paragraph;

(b) In operative paragraph 2, after "1978", the words "and 509 (1982) of 6 June 1982", were inserted.

33. Statements in connection with the draft resolution were made by the observers for Israel and Lebanon.

34. The representative of the United States of America requested that a vote be taken by show of hands. At the request of the representative of Egypt a roll-call vote was taken on the draft resolution, which was adopted by 51 votes to 1, with 1 abstention.

In favour: Algeria, Angola, Argentina, Austria, Bangladesh, Belarus, Benin, Bhutan, Brazil, Bulgaria, Canada, Cape Verde, Chile, China, Colombia, Cuba, Czech Republic, Denmark, Ecuador, Egypt, El Salvador, Ethiopia, France, Gabon, Germany, Guinea, India, Indonesia, Ireland, Italy, Japan, Madagascar, Malaysia, Mali, Mexico, Mozambique, Nepal,

Netherlands, Nicaragua, Pakistan, Philippines, Republic of Korea, Russian Federation, South Africa, Sri Lanka, Uganda, Ukraine, United Kingdom of Great Britain and Northern Ireland, Uruguay, Zaire, Zimbabwe.

Against: United States of America.

Abstaining: Dominican Republic.

35. For the text of the resolution as adopted, see chapter II, section A, resolution 1997/55.

Assistance to Equatorial Guinea in the field of human rights

36. At the 67th meeting, on 16 April 1997, the representative of Egypt introduced resolution E/CN.4/1997/84/Rev.1 sponsored by Egypt (on behalf of the African Group). The United States of America subsequently joined the sponsors.

37. The draft resolution was orally revised by the representative of Egypt as follows:

(a) In operative paragraph 5, before the word "reform" the words "continue the" were deleted and after "reform", the word "of" was deleted;

(b) In operative paragraph 8 (a), "regulation" was replaced by "regular";

(c) In operative paragraph 8 (c), the words "of judicial decisions" were moved after "security forces";

(d) In operative paragraph 10, after "High Commissioner for Human Rights", the words "/Centre for Human Rights" were added;

(e) In operative paragraph 11, "project" was replaced by "projects".

38. A statement in connection with the draft resolution was made by the observer for Equatorial Guinea.

39. In accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council, the attention of the Commission was drawn to the estimated administrative and programme budget implications 3/ of the draft resolution.

40. The draft resolution, as orally revised, was adopted without a vote. For the text of the resolution as adopted, see chapter II, section A, resolution 1997/67.

Cooperation with representatives of United Nations human rights bodies

41. At the 64th meeting, on 15 April 1997, the observer for Hungary introduced draft resolution E/CN.4/1997/L.85 sponsored by Argentina, Australia, Austria, Chile, the Czech Republic, Denmark, Haiti, Hungary, Ireland, Italy, Japan, Madagascar, Norway, Romania, Senegal, Sweden, Switzerland, the United Kingdom of Great Britain and Northern Ireland and the United States of America. Brazil, Canada, the Netherlands and Uruguay subsequently joined the sponsors.

42. The draft resolution was adopted without a vote. For the text of the resolution as adopted, see chapter II, section A, resolution 1997/56.

Situation of human rights in Bosnia and Herzegovina, the Republic of Croatia and the Federal Republic of Yugoslavia (Serbia and Montenegro)

43. At the 65th meeting, on 15 April 1997, the representative of the United States of America introduced draft resolution E/CN.4/1997/L.88 sponsored by Austria, Belgium, Bulgaria, Canada, Cyprus, the Czech Republic, Denmark, Finland, Germany, Greece, Hungary, Italy, Latvia, Norway, Poland, the Republic of Korea, Romania, San Marino, Slovenia, Sweden, Switzerland, the United Kingdom of Great Britain and Northern Ireland and the United States of America. Albania, France, Liechtenstein, Luxembourg, Portugal, New Zealand, Slovakia and Spain subsequently joined the sponsors.

44. The draft resolution was orally revised by the representative of the United States of America as follows:

(a) In operative paragraphs 13 (b) and 28 (b), "Commission of Inquiry" was replaced by "Council of Europe";

(b) In operative paragraph 22 (g), "1996" was replaced by "1997".

45. Statements in connection with the draft resolution were made by the representatives of Indonesia (on behalf of the Organization of the Islamic Conference) and the Russian Federation and the observers for Bosnia and Herzegovina, Croatia and the former Yugoslav Republic of Macedonia.

46. In accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council, the attention of the Commission was drawn to the estimated administrative and programme budget implications 3/ of the draft resolution.

47. Statements in explanation of vote before the vote were made by the representatives of the Netherlands and Uruguay.

48. At the request of the representative of the Russian Federation, a roll-call vote was taken on operative paragraphs 18, 29 (d), 29 (f), 29 (g), 29 (h) and 31 together. The Commission decided to retain these paragraphs by 35 votes to none, with 16 abstentions. The voting was as follows:

In favour: Algeria, Argentina, Austria, Bangladesh, Benin, Bhutan, Brazil, Bulgaria, Canada, Chile, Czech Republic, Denmark, Dominican Republic, Ecuador, Egypt, El Salvador, France, Gabon, Germany, Ireland, Italy, Japan, Malaysia, Netherlands, Nicaragua, Pakistan, Philippines, Republic of Korea, South Africa, Uganda, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Zaire.

Against: None.

Abstaining: Angola, Belarus, Cape Verde, China, Colombia, Guinea, India, Indonesia, Madagascar, Mali, Mexico, Mozambique, Nepal, Russian Federation, Sri Lanka, Zimbabwe.

49. The draft resolution, as orally revised, was adopted without a vote. For the text of the resolution as adopted, see chapter II, section A, resolution 1997/57.

Situation of human rights in Zaire

50. At the 65th meeting, on 15 April 1997, the representative of the Netherlands introduced draft resolution E/CN.4/1997/L.89 sponsored by Austria, Belgium, Bulgaria, Canada, Chile, Cyprus, the Czech Republic, Denmark, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Italy, Luxembourg, the Netherlands, Portugal, Romania, Spain, Sweden and the United Kingdom of Great Britain and Northern Ireland. Argentina, Australia, Estonia, Japan, Norway, Poland, Slovakia and Switzerland subsequently joined the sponsors.

51. Statements in connection with the draft resolution were made by the representatives of Algeria, China, Egypt and Zaire.

52. In accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council, the attention of the Commission was drawn to the estimated administrative and programme budget implications 3/ of the draft resolution.

53. The draft resolution was adopted without a vote. For the text of the resolution as adopted, see chapter II, section A, resolution 1997/58.

Situation of human rights in the Sudan

54. At the 65th meeting, on 15 April 1997, the representative of the United States of America introduced draft resolution E/CN.4/1997/L.90 sponsored by Australia, Austria, Bulgaria, Canada, the Czech Republic, Denmark, Finland, Germany, Hungary, Iceland, Italy, the Netherlands, Norway, Romania, Slovakia, Spain, Sweden, Switzerland, the United Kingdom of Great Britain and Northern Ireland and the United States of America. Argentina, Belgium, France, Greece, Ireland, Israel, Japan, Liechtenstein and Luxembourg subsequently joined the sponsors.

55. A statement in connection with the draft resolution was made by the observer for the Sudan.

56. In accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council, the attention of the Commission was drawn to the estimated administrative and programme budget implications 3/ of the draft resolution.

57. Statements in explanation of vote before the vote were made by the representatives of Algeria and Egypt.

58. The draft resolution was adopted without a vote. For the text of the resolution as adopted, see chapter II, section A, resolution 1997/59.

Situation of human rights in China

59. At the 65th meeting, on 15 April 1997, the representative of Denmark introduced draft resolution E/CN.4/1997/L.91 sponsored by Austria, Belgium, Denmark, Finland, Iceland, Ireland, Liechtenstein, Luxembourg, the Netherlands, Norway, Portugal, Sweden, Switzerland, the United Kingdom of Great Britain and Northern Ireland and the United States of America. The draft resolution read as follows:

"Situation of human rights in China

"The Commission on Human Rights,

"Reaffirming that all Member States have an obligation to promote and protect human rights and fundamental freedoms as stated in the Charter of the United Nations and as elaborated in the Universal Declaration of Human Rights, the International Covenants on Human Rights and other applicable human rights instruments,

"Mindful that China is a party to the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the Convention on the Rights of the Child,

"Recognizing the significant transformation Chinese society has undergone since the introduction of the reform policies and the successful efforts of the Government of China in the development of the economic situation of the country and in reducing the share of its people living in extreme poverty, thus enhancing the enjoyment of economic rights,

"Taking note of the reports of the Special Rapporteurs on the question of torture and other cruel, inhuman or degrading treatment or punishment (E/CN.4/1997/7), on freedom of opinion and expression (E/CN.4/1997/31), on the independence of judges and lawyers (E/CN.4/1997/32), violence against women (E/CN.4/1997/47), on extrajudicial, summary or arbitrary executions (E/CN.4/1997/60) and on all forms of intolerance and of discrimination based on religion or belief (E/CN.4/1997/91), as well as the reports of the Working Group on Arbitrary Detention (E/CN.4/1997/4 and Add.1) and the Working Group on Enforced or Involuntary disappearances (E/CN.4/1997/34),

"1. Welcomes

"(a) The readiness of the Government of China to exchange information on human rights issues;

"(b) Progress on the codification of China's legal practice, including changes to China's criminal procedure law;

"(c) China's expressed interest in acceding to the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights;

"2. Expresses its concern

"(a) At continuing reports of violations of human rights and fundamental freedoms in China by local, provincial and national authorities and severe restrictions on the rights of citizens to the freedoms of assembly, association, expression and religion as well as to due legal process and to a fair trial;

"(b) At increased restrictions on the exercise of cultural, religious and other freedoms of Tibetans, including the case of the eleventh Panchen Lama, Gedhun Choekyi Nyima;

"(c) At the persecution and harsh sentences imposed on persons who have peacefully availed themselves of their freedom of assembly, association, expression or religion;

"3. Calls upon the Government of China

"(a) To ensure the observance of all human rights in accordance with its obligations under the human rights conventions to which it is a party, and to become party to the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights;

"(b) To take further measures to improve the impartial administration of justice;

"(c) To release political prisoners;

"(d) To preserve and protect the distinct cultural, ethnic, linguistic and religious identity of Tibetans and others;

"(e) To continue to strengthen its bilateral dialogues as an important instrument of mutual information and cooperation, with a view to reaching further positive developments before the next session of the Commission on Human Rights;

"(f) To cooperate fully with all thematic special rapporteurs and working groups of the Commission on Human Rights and to engage in a dialogue with the High Commissioner for Human Rights in accordance with the High Commissioner's mandate;

"4. Decides to request the High Commissioner on Human Rights to report on the progress of the High Commissioner's dialogue with the Government of China and on the points reflected in the present resolution to the Commission on Human Rights at its fifty-fourth session."

60. A statement in connection with the draft resolution was made by the representative of China. Under rule 65, paragraph 2, of the rules of procedure of the functional commissions of the Economic and Social Council, the representative of China moved that the Commission take no decision on the draft resolution.

61. Statements in connection with that motion were made by the representatives of Algeria, Angola, Austria, Bangladesh, Canada, Cuba, the Czech Republic, Denmark, Egypt, El Salvador, France, Germany, Ireland, Italy, Japan, Malaysia, Nepal, the Netherlands, Pakistan, the Republic of Korea, Sri Lanka, the United Kingdom of Great Britain and Northern Ireland and the United States of America.

62. At the request of the representative of China, a roll-call vote was taken on the motion, which was carried by 27 votes to 17 with 9 abstentions. The voting was as follows:

In favour: Algeria, Angola, Bangladesh, Belarus, Benin, Bhutan, Cape Verde, China, Colombia, Cuba, Egypt, Ethiopia, Gabon, Guinea, India, Indonesia, Madagascar, Malaysia, Mali, Mozambique, Nepal, Pakistan, Sri Lanka, Uganda, Ukraine, Zaire, Zimbabwe.

Against: Austria, Bulgaria, Canada, Chile, Czech Republic, Denmark, El Salvador, France, Germany, Ireland, Italy, Japan, Netherlands, Nicaragua, South Africa, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Argentina, Brazil, Dominican Republic, Ecuador, Mexico, Philippines, Republic of Korea, Russian Federation, Uruguay.

Extrajudicial, summary or arbitary executions

63. At the 66th meeting, on 16 April 1997, the observer for Sweden introduced draft resolution E/CN.4/1997/L.92 sponsored by Argentina, Australia, Austria, Belgium, Bulgaria, Canada, Chile, Cyprus, the Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Italy, Kenya, Latvia, Liechtenstein, Luxembourg, Madagascar, the Netherlands, Norway, Poland, Portugal, Romania, San Marino, Senegal, Slovakia, Slovenia, South Africa, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, the United Kingdom of Great Britain and Northern Ireland and Uruguay. Bolivia, New Zealand and Venezuela subsequently joined the sponsors.

64. The draft resolution was orally revised by the observer for Sweden as follows:

(a) At the end of the first preambular paragraph, the words "and the relevant provisions of the International Covenant on Civil and Political Rights" were added;

(b) In the second preambular paragraph, the words "the relevant provisions of the International Covenant on Civil and Political Rights and the other conventions, protocols, declarations and resolutions that form" were deleted;

(c) In operative paragraph 7, after "mandate", the words "to collect information from all concerned and" were added, and the words "all concerned, including" were deleted.

65. A statement in explanation of vote before the vote was made by the representative of the Russian Federation.

66. The draft resolution as orally revised was adopted without a vote. For the text of the resolution as adopted, see chapter II, section A, resolution 1997/61.

Situation of human rights in Cuba

67. At the 66th meeting, on 16 April 1997, the representative of the United States of America introduced draft resolutions E/CN.4/1997/L.94 sponsored by Australia, Belgium, Bulgaria, Canada, the Czech Republic, Denmark, Germany, Honduras, Hungary, Iceland, Israel, Italy, Nicaragua, Romania, Slovenia, Spain, Sweden, the former Yugoslav Republic of Macedonia, the United Kingdom of Great Britain and Northern Ireland and the United States of America. Finland, France, Luxembourg, the Netherlands, Norway, Portugal and Switzerland subsequently joined the sponsors.

68. The draft resolution was orally revised by the representative of the United States of America by replacing " Noting", in the second preambular paragraph, by " Recalling also ".

69. Statements in connection with the draft resolution were made by the representatives of Algeria, China, India and Indonesia.

70. In accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council, the attention of the Commission was drawn to the estimated administrative and programme budget implications 3/ of the draft resolution.

71. Statements in explanation of vote before the vote were made by the representatives of Chile and Cuba.

72. At the request of the representative of Cuba, a roll-call vote was taken on the draft resolution, which was adopted by 19 votes to 10, with 24 abstentions. The voting was as follows:

In favour: Argentina, Austria, Bulgaria, Canada, Chile, Czech Republic, Denmark, El Salvador, France, Germany, Ireland, Italy, Japan, Netherlands, Nicaragua, Republic of Korea, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay.

Against: Belarus, Bhutan, China, Cuba, India, Indonesia, South Africa, Uganda, Zaire, Zimbabwe.

Abstaining: Algeria, Angola, Bangladesh, Benin, Brazil, Cape Verde, Colombia, Dominican Republic, Ecuador, Egypt, Ethiopia, Gabon, Guinea, Madagascar, Malaysia, Mali, Mexico, Mozambique, Nepal, Pakistan, Philippines, Russian Federation, Sri Lanka, Ukraine.

73. For the text of the resolution as adopted, see chapter II, section A, resolution 1997/62.

Situation of human rights in Iraq

74. At the 66th meeting, on 16 April 1997, the representative of the Netherlands introduced draft resolution E/CN.4/1997/L.95 sponsored by Argentina, Austria, Belgium, Canada, Cyprus, the Czech Republic, Denmark, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Italy, Kuwait, Luxembourg, the Netherlands, Norway, Portugal, Romania, San Marino, Slovakia, Spain, Sweden, Switzerland, the United Kingdom of Great Britain and Northern Ireland and the United States of America. Australia, Estonia, Japan and Liechtenstein subsequently joined the sponsors.

75. Statements in connection with the draft resolution were made by the representatives of Algeria, Mexico and the Netherlands and the observers for Iraq and Kuwait.

76. In accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council, the attention of the Commission was drawn to the estimated administrative and programme budget implications 3/ of the draft resolution.

77. A statement in explanation of vote before the vote was made by the representative of Egypt.

78. At the request of the representative of Cuba, a roll-call vote was taken on the draft resolution, which was adopted by 31 votes to none, with 22 abstentions. The voting was as follows:

In favour: Argentina, Austria, Belarus, Brazil, Bulgaria, Canada, Chile, Colombia, Czech Republic, Denmark, Dominican Republic, Ecuador, El Salvador, Ethiopia, France, Germany, Guinea, Ireland, Italy, Japan, Mexico, Netherlands, Nicaragua, Republic of Korea, Russian Federation, South Africa, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Zaire.

Against: None.

Abstaining: Algeria, Angola, Bangladesh, Benin, Bhutan, Cape Verde, China, Cuba, Egypt, Gabon, India, Indonesia, Madagascar, Malaysia, Mali, Mozambique, Nepal, Pakistan, Philippines, Sri Lanka, Uganda, Zimbabwe.

79. For the text of the resolution as adopted, see chapter II, section A, resolution 1997/60.

Situation of human rights in East Timor

80. At the 66th meeting, on 16 April 1997, the representative of the Netherlands introduced draft resolution E/CN.4/1997/L.96 sponsored by Angola, Austria, Belgium, Canada, Cape Verde, Denmark, France, Finland, Germany, Greece, Iceland, Ireland, Italy, Luxembourg, Mozambique, the Netherlands, Norway, Portugal, Spain, Sweden, Switzerland and the United Kingdom of Great Britain and Northern Ireland. Brazil, Bulgaria, the Czech Republic, Estonia, Hungary, Liechtenstein, Slovakia and the United States of America subsequently joined the sponsors.

81. Statements in connection with the draft resolution were made by the representatives of Algeria, Bangladesh, Egypt, India, Indonesia, the Netherlands and Pakistan.

82. Statements in explanation of vote before the vote were made by the representatives of Malaysia, the Philippines and the Republic of Korea.

83. At the request of the representative of Indonesia, a roll-call vote was taken on the draft resolution, which was adopted by 20 votes to 14, with 18 abstentions. The voting was as follows:

In favour: Angola, Austria, Brazil, Bulgaria, Canada, Cape Verde, Czech Republic, Denmark, Dominican Republic, Ecuador, El Salvador, France, Germany, Ireland, Italy, Mozambique, Netherlands, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay.

Against: Bangladesh, Bhutan, China, Cuba, Egypt, India, Indonesia, Madagascar, Malaysia, Nepal, Pakistan, Philippines, Sri Lanka, Zimbabwe.

Abstaining: Algeria, Argentina, Belarus, Benin, Chile, Colombia, Ethiopia, Gabon, Guinea, Japan, Mali, Mexico, Nicaragua, Republic of Korea, Russian Federation, South Africa, Uganda, Zaire.

84. For the text of the resolution as adopted, see chapter II, section A, resolution 1997/63.

Situation of human rights in Myanmar

85. At the 67th meeting, on 16 April 1997, the representative of the Netherlands introduced draft resolution E/CN.4/1997/L.97 sponsored by Australia, Austria, Belgium, Bulgaria, Canada, Cyprus, the Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Italy, Latvia, Liechtenstein, Luxembourg, the Netherlands, Norway, Poland, Portugal, Romania, Slovakia, Spain, Sweden, Switzerland and the United Kingdom of Great Britain and Northern Ireland. Estonia, Malta and the United States of America subsequently joined the sponsors.

86. A statement in connection with the draft resolution was made by the observer for Myanmar.

87. In accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council, the attention of the Commission was drawn to the estimated administrative and programme budget implications 3/ of the draft resolution.

88. The draft resolution was adopted without a vote. For the text of the resolution as adopted, see chapter II, section A, resolution 1997/64.

Situation of human rights in Afghanistan

89. At the 67th meeting, on 16 April 1997, the Chairman submitted draft resolution E/CN.4/1997/L.110 on the situation of human rights in Afghanistan.

90. The draft resolution was orally revised by the Chairman as follows:

(a) After the fifth preambular paragraph, two new preambular paragraphs were inserted;

(b) In the former sixth preambular paragraph, " Recalling " was replaced by "Noting";

(c) At the end of the former eighth preambular paragraph, the words "throughout the country" were deleted;

(d) In operative paragraph 2, after "Afghanistan, which" the words "in some cases" were deleted and before the words "the return", the words "to permit" were deleted.

91. A statement in connection with the draft resolution was made by the representative of Pakistan.

92. In accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council, the attention of the Commission was drawn to the estimated administrative and programme budget implications 3/ of the draft resolution.

93. The draft resolution, as orally revised, was adopted without a vote. For the text of the resolution as adopted, see chapter II, section A, resolution 1997/65.

(a) Question of human rights in Cyprus

94. At the 67th meeting, on 16 April 1997, the Chairman submitted a draft decision on the question of human rights in Cyprus. The draft decision was adopted without a vote. For the text of the decision as adopted, see chapter II, section B, decision 1997/..

(b) Study of situations which appear to reveal a consistent pattern of gross violations of human rights as provided in Commission resolution 8 (XXIII) and Economic and Social Council resolutions 1235 (XLII) and 1503 (XLVIII): report of the Working Group on Situations established by Economic and Social Council resolution 1990/41 of 25 May 1990

95. The Commission considered item 10 (b) in closed meetings at its 40th to 42nd meetings, on 4 April 1997, and 44th meeting, on 7 April 1997. It had before it for consideration under Economic and Social Council resolution 1503 (XLVIII) the human rights situations in Antigua and Barbuda, Botswana, Chad, the Czech Republic, Estonia, the Gambia, Kyrgyzstan, Latvia, Lebanon, Lithuania, Saudi Arabia, Sierra Leone, the Syrian Arab Republic, the United Republic of Tanzania, the United States of America and Uzbekistan, as publicly announced by the Chairman. The Chairman also announced that the

Commission had decided to discontinue consideration of the human rights situations in Antigua and Barbuda, Botswana, the Czech Republic, Estonia, Latvia, Lebanon, Lithuania, the Syrian Arab Republic, the United Republic of Tanzania, the United States of America and Uzbekistan.

96. The Chairman reminded the members of the Commission that, in conformity with paragraph 8 of Council resolution 1503 (XLVIII), they should not make any reference in public debate to the confidential decisions taken under Council resolution 1503 (XLVIII) nor to any confidential material relating thereto.

97. In accordance with rule 21 of the rules of procedure of the functional commissions of the Economic and Social Council, and after consultations with the regional groups, the Chairman will designate five members to serve in their personal capacity on the Working Group on Situations to meet prior to the fifty-fourth session of the Commission in 1998.